

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/26/2024
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LIVEVIDEO.AI CORP,

Plaintiff,

-against-

SHARI REDSTONE, et al.,

Defendants.

24-CV-6290 (DEH) (BCM)

**ORDER REGARDING SUBJECT
MATTER JURISDICTION AND
GENERAL PRETRIAL
MANAGEMENT**

BARBARA MOSES, United States Magistrate Judge.

The above-referenced action has been referred to Magistrate Judge Barbara Moses for general pretrial management, including scheduling, discovery, non-dispositive pretrial motions, and settlement, pursuant to 28 U.S.C. § 636(b)(1)(A). All pretrial motions and applications, including those related to scheduling and discovery (but excluding motions to dismiss or for judgment on the pleadings, for injunctive relief, for summary judgment, or for class certification under Fed. R. Civ. P. 23) must be made to Judge Moses and in compliance with this Court's Individual Practices in Civil Cases, available on the Court's website at <https://nysd.uscourts.gov/hon-barbara-moses>.

Subject Matter Jurisdiction

In its Civil Cover Sheet, plaintiff LiveVideo.AI Corp (LiveVideo) states that the basis for this Court's subject matter jurisdiction is diversity of citizenship pursuant to 28 U.S.C. § 1332. *See* Civil Cover Sheet (Dkt. 3) at 2. This assertion is inconsistent with plaintiff's Complaint, which states instead that "[t]his Court has federal question subject matter jurisdiction." *See* Compl. (Dkt. 12) ¶ 3. Neither jurisdictional assertion is supported by the factual allegations contained in the Complaint, which alleges that LiveVideo is a "Delaware incorporated New York based" company and that most of the named defendants are also citizens of New York, *see* Compl. ¶¶ 1, 4, 5, 6, 7, 8, 9, and which does not identify any federal cause of action. *See id.* at 22

(unfair competition), 25 (tortious interference with business relations), 31 (aiding and abetting breach of fiduciary duty, candor, or breach of duty of loyalty), 35 (unjust enrichment). To the extent plaintiff alleges that the individual defendants breached duties owed to defendant National Amusements, Inc. – or to anyone else other than LiveVideo – the Complaint also fails to show that plaintiff has standing to sue. Consequently, it is hereby ORDERED that, no later than **September 9, 2024**, plaintiff shall show cause, in writing, why this action should not be dismissed for lack of subject matter jurisdiction.

General Pretrial Management

Going forward, parties and counsel are cautioned:

1. Once a discovery schedule has been issued, all discovery must be initiated in time to be concluded by the close of discovery set by the Court.

2. Discovery applications, including letter-motions requesting discovery conferences, must be made promptly after the need for such an application arises and must comply with Local Civil Rule 37.2 and § 2(b) of Judge Moses's Individual Practices. It is the Court's practice to decide discovery disputes at the Rule 37.2 conference, based on the parties' letters, unless a party requests or the Court requires more formal briefing. Absent extraordinary circumstances, discovery applications made later than 30 days prior to the close of discovery may be denied as untimely.

3. For motions other than discovery motions, pre-motion conferences are not required, but may be requested where counsel believe that an informal conference with the Court may obviate the need for a motion or narrow the issues.

4. Requests to adjourn a court conference or other court proceeding (including a telephonic court conference) or to extend a deadline must be made in writing and in compliance

with § 2(a) of Judge Moses's Individual Practices. Telephone requests for adjournments or extensions will not be entertained.

5. In accordance with § 1(d) of Judge Moses's Individual Practices, letters and letter-motions are limited to four pages, exclusive of attachments. Courtesy copies of letters and letter-motions filed via ECF are required only if the filing contains voluminous attachments. Courtesy copies should be delivered promptly, should bear the ECF header generated at the time of electronic filing, and should include tabs for the attachments.

6. Counsel for the plaintiff must serve a copy of this Order on any defendant previously served with the summons and complaint, must serve this Order along with the summons and complaint on all defendants served hereafter, and must file proof of such service with the Court.

Dated: New York, New York
August 26, 2024

SO ORDERED.



BARBARA MOSES
United States Magistrate Judge